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# ***Public Utilities Commission of the State of California***

## ***Results of Public Agenda 3102***

***Meeting Held on Thursday, December 5, 2002 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Loretta M. Lynch, President**

**Geoffrey F. Brown**

**Henry M. Duque**

**Michael R. Peevey**

**Carl W. Wood**

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Monday, January 13, 2003 (San Francisco)	Thursday, January 16, 2003 (San Francisco)
Monday, January 27, 2003 (San Francisco)	Thursday, January 30, 2003 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

## PUBLIC COMMENT

**The following items are not subject to public comment:**

- All items on the closed session agenda; these are HEX and EX items.
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### Public Comment:

Re CA-8: Hale Zukas

Re H-4:

David E. Rosenthal, Murrieta, CA

Jack Van Haasder, City Councilman, Murrieta, CA

Lori Van Arsdale, Councilmember, Hemet, CA

Maurice Thimot, Rainbow, CA

Paul Runkle, Temecula, CA

Re C-2: Hale Zukas

Re C-3: Margaret Felts, CTA, Sacramento, CA

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

#### CA-1

##### Res TL-19016

1111

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

##### **Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

#### CA-2

##### Res ALJ-176-3102

1114

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

##### **Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-6  
1051****A02-03-046 - Apple Valley Ranchos Water Company (AVR).**

For authority to increase rates: in 2003 of \$2,775,000 or 27.1% above revenues generated by present rates, in 2004 of \$497,839 or 3.8% above the revenues generated by the rates proposed for 2003, in 2005 of \$507,422 or 3.7% above the 2004 revenue requirements. This decision holds that AVR's test year 2003 results of operation and rates that will be adopted in this proceeding shall be effective January 1, 2003.

(Comr Peevey - ALJ Galvin)

(Agenda 3095, Item CA-12 9/19/2002 (Lynch); Agenda 3096, Item CA-7 10/3/2002 (Staff); Agenda 3098, Item CA-3 10/24/2002 (Peevey))

**Outcome Held (12/17/02, Regular agenda. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7  
1165****A97-12-020 - Pacific Gas & Electric Company (PG&E).**

For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. This decision grants PG&E's petition to modify D00-02-046 to the extent set forth in the decision, and adopts several modifications to D00-02-046 to correct and clarify the decision. In addition, the Commission finds that D00-02-046 does not reflect the Commission's intent in that decision, as modified by D01-10-031, to adopt a \$10.6 million adjustment to supervision costs in Account 903. D00-02-046, therefore, erroneously includes supervision costs that the Commission did not intend to approve. This decision orders that a correction be included in an updated results of operation calculation.

(Comr Wood - ALJ Wetzell)

(Agenda 3099, Item CA-12 11/7/2002 (Staff))

**Outcome Signed**

[D02-12-002](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-8  
1199****R00-05-001 - Order Instituting Rulemaking into implementation of Senate Bill 669, regarding The Deaf and Disabled Telecommunications Program.**

This decision grants in part and denies in part the Deaf and Disabled Telecommunications Administrative Committee's (DDTPAC) Petition for Modification of D01-07-012 to allow per diem compensation to be paid to members of specific DDTPAC subcommittees. This proceeding is closed.

(Comr Duque - ALJ Thomas)

(Agenda 3099, Item CA-18 11/7/2002 (Staff); Agenda 3101, Item CA-4 11/21/2002

(Duque))

**Outcome Held (12/17/02, Regular Agenda. Writing alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9  
1234****A01-02-024 - AT&T Communications of California, Inc., and WorldCom, Inc. (WorldCom).**

For the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to ordering paragraph 11 of D99-11-050. A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision finds that Pacific Bell Telephone Co. (Pacific) and WorldCom violated Commission Rule 7.c prohibiting ex parte communications during the "quiet time" surrounding a ratesetting deliberative meeting. The Commission assesses a fine of \$22,000 against Pacific and a fine of \$1,000 against WorldCom.

(Comr Wood - ALJ Duda)

(Agenda 3101, Item CA-8 11/21/2002 (Peevey))

**Outcome Signed**

[D02-12-003](#)

Yes: (Duque, Peevey, Wood)

No: (none)

Abstain: (Brown)

Absent: (Lynch)

**CA-10  
1240****A01-07-004 - Pacific Gas and Electric Company.**

For a permit to construct the Atlantic-Del Mar Reinforcement Project pursuant to General Order 131-D. This decision changes the preliminary designation. Hearings are not needed.

(Comr Duque - ALJ Cooke)

(Agenda 3101, Item CA-11 11/21/2002 (Staff))

**Outcome Held (12/17/02, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-11  
1295**      **Res M-4807**  
This resolution adopts level of Public Utilities Commission Utilities Reimbursement Account Fees for fiscal year 2002-03.  
(Agenda 3101, Item CA-21 11/21/2002 (Duque))  
**Outcome Held (12/17/02, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- CA-12  
1296**      **A99-03-063 - Southern California Edison Company (SCE).**  
For a finding of reasonableness for the ratepayer expenditures for the ENVEST Pilot Program. This decision approves the "Joint Recommendation of the Office of Ratepayer Advocates and SCE to Terminate the ENVEST Pilot Program" (Joint Recommendation), attached as Appendix A. The ENVEST Pilot Program (ENVEST) will remain open only to existing participants until the final payments have been made, estimated to be in 2010. Ratepayers will now receive a refund of \$2 million plus interest credited to SCE's Electric Deferred Refund Account. SCE will assume all future credit risks and risk of collections associated with the ENVEST contracts and program. SCE will not seek recovery of the amount it spent for program administration costs in excess of the \$8 million provided by ratepayers. This proceeding is closed.  
(Comr Lynch - ALJ Cooke)  
**Outcome Signed**  
[D02-12-004](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
- CA-13  
1316**      **C02-06-020 - Alex Gee (Gee) vs. Southern California Edison Company (Edison).**  
This decision dismisses complaint of Gee against Edison for failure to state a cause of action upon which relief may be granted. Gee is being billed for service under Edison's Schedule GS-1, a small commercial rate tariff. Gee would prefer to be billed under Schedule GS-SP, a commercial rate schedule that was discontinued in 1992 by D92-06-020. This proceeding is closed.  
(Comr Duque - ALJ Vieth)  
**Outcome Signed**  
[D02-12-005](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
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**CA-14  
1318****C94-05-036 - Wilsons The Leather Experts (Wilson's) vs. Brake-Delivery Service-Meier Transfer Service (Brake).**

This decision dismisses the complaint of Wilsons against Brake for violation of Pub. Util. Code §§ 451 and 453 for seeking to assess unlawful undercharges for lack of jurisdiction. This proceeding is closed.

(Comr Brown - ALJ Weismehl)

**Outcome Signed**

[D02-12-006](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-15  
1329****C93-03-049 - Cellular Resellers Association, Inc. vs. Bay Area Cellular Telephone Co.; Los Angeles Cellular Telephone Company; PacTel Cellular; Ventura Cellular Telephone Company; and Sacramento Cellular Telephone Company.**

This decision dismisses the complaint that has been inactive for several years. This proceeding is closed.

(Comr Brown - ALJ Weismehl)

**Outcome Signed**

[D02-12-007](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-16  
1330****C93-06-054 - Ronald L. Olney vs. Pacific Gas and Electric Company.**

This decision dismisses the complaint.

(Comr Brown - ALJ Weismehl)

**Outcome Signed**

[D02-12-008](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-17  
1331****A97-05-019 - SFPP, L.P.**

For approval to issue promissory notes in an aggregate principal amount not to exceed \$20 Million, and to secure such notes under existing mortgages or other encumbrances of utility property. This decision denies ABC Unified School District's petition to modify D98-10-022. This proceeding is closed.

(Comr Brown - ALJ Cooke)

**Outcome Signed**

[D02-12-009](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-18  
1334****C93-03-041 - RAM Mobile Data USA Limited Partnership vs. Bay Area Cellular Telephone Co.**

This decision dismisses complaint that has been inactive for several years. This proceeding is closed.

(Comr Brown - ALJ Weismehl)

**Outcome Signed**

[D02-12-010](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-19  
1343****A02-07-009 - Southwest Gas Corporation (Southwest Gas).**

For authority to adjust public purpose program surcharges. A02-07-013, A02-07-016, A02-07-017, A02-07-018. - Related matters. Today's decision authorizes the continuation of current low-income assistance programs and associated budgets for Southwest Gas, PacifiCorp, Sierra Pacific Power Company, Bear Valley Electric and Avista Corporation (dba Avista Utilities), while the Commission considers Energy Division's recommendations on post-2002 program plans and parties' comments on those recommendations.

(Comr Wood - ALJ Gottstein)

**Outcome Signed**

[D02-12-011](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

- CA-20  
1344**      **R94-04-031 - Order Instituting Rulemaking on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.**  
I94-04-032 - Related matters. Because the issues raised in these proceedings are either moot or are being addressed elsewhere, these proceedings are closed.  
(Comr Lynch - ALJ Cooke)  
**Outcome Held (1/16/03, Regular Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- CA-21  
1374**      **A02-03-052 - Norstan Network Services, Inc., NetWolves Corporation, and NetWolves Acquisitions, Inc.**  
This order grants approval for a change in control for Norstan Network Services, Inc. et al. to NetWolves Corporation. This proceeding is closed.  
(Comr Brown - ALJ Evans)  
**Outcome Signed**  
[D02-12-012](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
- CA-22  
1377**      **A00-02-020 - Sempra Communications (Sempra).**  
This decision grants the request of Sempra for an expanded Certificate of Public Convenience and Necessity in the provision of facilities-based telecommunications services. The decision adopts and approves a Program Environmental Impact Report that establishes a process for further project-specific review and approval. This proceeding is closed.  
(Comr Wood - ALJ Pulsifer)  
**Outcome Signed**  
[D02-12-013](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)



**CA-24  
1399****A02-08-015 - Bart Mulvihill**

This decision authorizes Bart Mulvihill to operate a scheduled passenger stage corporation between Woodland Hills and Tarzana, on the one hand, and Los Angeles International Airport, on the other. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D02-12-014

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-27  
(Rev.)  
1402****A01-01-037 - Pacific Gas and Electric Company (PG&E) and City of Yuba City (Yuba City).**

For an order under Section 851 of the Public Utilities Code to sell and convey streetlight facilities. PG&E petitions the Commission to modify D01-06-004 to extend the effective period for sale of streetlight facilities to Yuba City for an additional year. The petition is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

12/03/2002 - This item appeared as (CA-27) on the agenda distributed to the public.

12/03/2002 - Moved to item (4) on the agenda.

12/04/2002 - This item appeared as (4) on the agenda distributed to the public.

**Outcome Signed**

[D02-12-015](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-28  
1403****Res W-4364 - Pennngrove Water Company (PWC).**

This resolution authorizes PWC, Canon Manor service area, an increase in annual revenue of \$3,209 or 6.54% to offset increased purchased power costs. (Advice Letter 53, filed October 10, 2002.)

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-29  
1404****Res W-4365 - California-American Water Company (Cal-Am).**

This resolution authorizes Cal-Am to file rate schedules for Ralph Lane Water System and Chualar Water System which are to be acquired from Monterey County. (Advice Letter 565, filed May 6, 2002.)

**Outcome Held (12/17/02, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-30  
1405****Res W-4366 - Twin Valley Water Company (TVWC).**

This resolution authorizes TVWC a surcharge to recover water testing expenses producing an increase in annual revenue of \$9,260 or 11.0%. (Advice Letter 17 filed October 11, 2002.)

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**CA-31  
1406****Res W-4367 - Lukins Brothers Water Company (LBWC).**

This resolution authorizes LBWC a one-time surcharge to recover an increase in water testing costs and Department of Health Services fees producing an increase in annual revenue of \$10,953 or 3.53%. (Advice Letter 38 filed October 18, 2002.)

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

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- CA-33 (Rev.) 1410**      **A01-01-039 - Pacific Gas and Electric Company (PG&E) and Los Osos Community Services District (the District).**  
For an order under Section 851 of the Public Utilities Code to sell and convey streetlight facilities. PG&E petitions the Commission to modify D01-05-026 to extend the effective period for sale of streetlight facilities to the District for an additional year. The petition is granted. This proceeding is closed.  
(Comr Brown - ALJ Walker)  
12/03/2002 - This item appeared as (CA-33) on the agenda distributed to the public.  
12/03/2002 - Moved to item (6) on the agenda.  
**Outcome Signed**  
[D02-12-016](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
- CA-34 1412**      **Res E-3799 - San Diego Gas & Electric Company (SDG&E).**  
This resolution approves SDG&E's request for approval of its proposed Delegation Authority with Deutsche Asset Management Investment Services Limited. (Advice Letter 1450-E, filed November 15, 2002.)  
**Outcome Approved**  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
- CA-36 (Rev.) 1166**      **A01-09-024 - Southern California Gas Company (SoCalGas).**  
A01-10-005 - Related matters. This decision grants SoCalGas' request for balancing account protection for noncore revenue risk effective January 1, 2003, until a decision issues in SoCalGas' Biennial Cost Allocation Proceeding.  
(Comr Brown - ALJ Brown)  
(Agenda 3099, Item CA-13 11/7/2002 (Duque); Agenda 3101, Item H-8 11/21/2002 (Brown))  
12/04/2002 - This item appeared as (H-8) on the agenda distributed to the public.  
**Outcome Signed**  
[D02-12-017](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
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## Regular Agenda

### Utility and Transportation Orders

#### *Orders Held Over*

#### **H-1            A00-12-026 - Pacific Gas and Electric Company (PG&E).**

**38**            For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.

(Comr Lynch - ALJ Kenney)

(Agenda 3080, Item CA-9 1/23/2002; Agenda 3087, Item CA-9 5/2/2002; Agenda 3088, Item CA-28 5/16/2002; Agenda 3090, Item H-1 6/27/2002; Agenda 3091, Item H-2 7/17/2002; Agenda 3093, Item H-1 8/22/2002 (Duque); Agenda 3095, Item H-1 9/19/2002 (Lynch); Agenda 3096, Item H-1 10/3/2002 (Wood); Agenda 3099, Item H-1 11/7/2002 (Lynch); Agenda 3101, Item H-1 11/21/2002 (Duque))

#### **Outcome    Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

#### **H-1a            ALTERNATE TO ITEM 38**

**854**            For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. The alternate decision concludes that the lease agreements are, in effect, licenses and therefore Public Utilities Code Section 851 is not applicable.

(Comr Duque)

(Agenda 3091, Item H-2a 7/17/2002; Agenda 3093, Item H-1a 8/22/2002 (Duque); Agenda 3095, Item H-1a 9/19/2002 (Lynch); Agenda 3096, Item H-1a 10/3/2002 (Wood); Agenda 3099, Item H-1a 11/7/2002 (Lynch); Agenda 3101, Item H-1a 11/21/2002 (Duque))

#### **Outcome    Signed as Modified (Change p. 2)**

[D02-12-018](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**H-2                    A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**

**93**                    GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).

(Comr Duque - ALJ Kotz)

(Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002; Agenda 3090, Item H-2 6/27/2002; Agenda 3091, Item H-3 7/17/2002; Agenda 3093, Item H-2 8/22/2002 (Duque); Agenda 3094, Item CA-3 9/5/2002 (Wood); Agenda 3098, Item H-1 10/24/2002 (Wood))

**Outcome   Held (12/17/02. Review comments on alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2a                    ALTERNATE TO ITEM 93**

**1461**                    This alternate decision grants intervenor compensation awards to TURN, Public Advocates and Greenlining/Latino Issues Forum for their participation in A98-12-005 in the amount of \$146,113.66, \$268,108.93 and \$279,740.33 respectively. If approved this decision will replace D01-09-045 in its entirety.

(Comr Wood)

**Outcome   Held (12/17/02. Review comments on alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**H-3  
623                    R93-04-003 - Rulemaking on the Commission's own motion to govern open access to  
bottleneck services and establish a framework for Network Architecture Development of  
Dominant Carrier Networks.**

193-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to each Competitive Local Exchange Carrier that leased the HFPL loops for return to their DSL customers.

(Comr Wood - ALJ Jones)

(Agenda 3089, Item 3 6/6/2002; Agenda 3091, Item H-6 7/17/2002; Agenda 3092, Item H-2 8/8/2002 (Wood); Agenda 3093, Item H-4 8/22/2002 (Peevey); Agenda 3095, Item H-2 9/19/2002 (Wood); Agenda 3098, Item H-2 10/24/2002 (Staff); Agenda 3099, Item H-2 11/7/2002 (Staff))

**Outcome   Held (12/17/02. Possible alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4  
709                    A00-10-045 - San Diego Gas & Electric Company (SDG&E).**

For an order implementing Assembly Bill 265. A01-01-044 - Related matters. This order addresses SDG&E's motions for reconsideration by the full Commission of the Assigned Commissioner's Ruling directing (1) Service of Documents and (2) Filing of Notice of Ex Parte Communication, and for issuance of an immediate stay of said ruling.

(Comr Wood - ALJ Wetzell)

(Agenda 3089, Item 8 6/6/2002; Agenda 3091, Item H-10 7/17/2002; Agenda 3093, Item H-8 8/22/2002 (Peevey); Agenda 3095, Item H-3 9/19/2002 (Peevey); Agenda 3098, Item H-3 10/24/2002 (Brown))

**Outcome   Held (12/17/02. Possible alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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- H-5  
714**      **A98-02-017 - Pacific Bell (Pacific).**  
 For authority to categorize business inside wire repair, interexchange carrier directory assistance, operator assistance service and inmate call control service as Category III services. A98-04-048 - Related matters. This decision denies the Office of Ratepayer Advocates' petition for modification of D99-06-053 to recategorize Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR wirepro ceiling rate to \$1.20 from \$2.99. These proceedings are closed.  
 (Comr Duque - ALJ Galvin)  
 (Agenda 3090, Item 7 6/27/2002; Agenda 3092, Item H-4 8/8/2002 (Wood); Agenda 3094, Item H-2 9/5/2002 (Wood); Agenda 3098, Item H-4 10/24/2002 (Lynch); Agenda 3101, Item H-2 11/21/2002 (Duque))  
**Outcome Held (12/17/02. For alternate.)**  
 Yes: (none)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)
- H-6  
1057**      **R01-12-009 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing offset rate increases and balancing accounts in the water industry to decide whether new processes are needed.**  
 In this interim decision applicable only to Class A water utilities, the Commission revises the existing procedures for recovery of under collections and over collections in balancing accounts existing prior to November 29, 2001.  
 (Comr Brown - ALJ Econome)  
 (Agenda 3099, Item 1 11/7/2002 (Lynch); Agenda 3101, Item H-5 11/21/2002 (Brown))  
**Outcome Held (12/17/02. Further consideration.)**  
 Yes: (none)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)
- H-6a  
1363**      **ALTERNATE TO ITEM 1057**  
 This alternate revises existing procedures to limit balancing account recovery when a utility is earning in excess of its authorized rate of return.  
 (Comr Lynch)  
 (Agenda 3101, Item H-5a 11/21/2002 (Brown))  
**Outcome Held (12/17/02. Further consideration.)**  
 Yes: (none)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)
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- H-7  
1150**      **A00-10-045 - San Diego Gas & Electric Company (SDG&E).**  
For an order implementing Assembly Bill (AB) 265. A01-01-044 - Related matters. This decision addresses the request of SDG&E to impose a surcharge on customers to recover the AB 265 undercollection.  
(Comr Wood - ALJ Wong)  
(Agenda 3098, Item 7 10/24/2002 (Duque); Agenda 3099, Item H-11 11/7/2002 (Brown))  
**Outcome Held (12/17/02. For alternate.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- H-7a  
1246**      **ALTERNATE TO ITEM 1150**  
This alternate adopts the settlement of federal litigation proposed by San Diego Gas & Electric Company (SDG&E) on June 14, 2002. Based on the outcome of the settlement, SDG&E's request for a surcharge is denied.  
(Comr Peevey)  
(Agenda 3098, Item 7a 10/24/2002 (Duque); Agenda 3099, Item H-11a 11/7/2002 (Brown))  
**Outcome Held (12/17/02. For alternate.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- H-9  
1196**      **A01-03-008 - Pacific Gas & Electric Company (PG&E).**  
This decision denies the Application of PG&E for approval of an irrevocable lease for Metromedia Fiber Network Services, Inc. (MFNS) to use and install fiber optic cable on PG&E's facilities. The Commission finds that PG&E has failed to meet its burden of establishing that the approval it seeks will not cause environmental impacts that require analysis under California Environmental Quality Act. Moreover, PG&E's application is part of a piecemeal approach MFNS has taken to acquiring approval and environmental review of its San Francisco Bay Area fiber optic project. Finally, PG&E has failed to identify with specificity the facilities affected. This proceeding is closed.  
(Comr Lynch - ALJ Thomas)  
(Agenda 3099, Item 3 11/7/2002 (Staff); Agenda 3101, Item H-9 11/21/2002 (Staff))  
**Outcome Held (12/17/02)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
-



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**H-10  
1257                    R \_\_\_\_\_ - Order Instituting Rulemaking into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.**

This rulemaking is opened to determine the service quality measurements and standards that should apply to all telecommunications carriers and to make revisions to existing measurements and standards as appropriate.

(Agenda 3098, Item 9 10/24/2002 (Brown); Agenda 3099, Item H-12 11/7/2002 (Duque); Agenda 3101, Item H-10 11/21/2002 (Duque))

**Outcome   Signed**

[R02-12-004](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**H-11  
1272                    A01-03-036 - San Diego Gas & Electric Company (SDG&E).**

This decision denies without prejudice SDG&E's application for a CPCN to construct the proposed Valley-Rainbow Project. The Energy Division is directed to cease preparation of the Draft Environmental Impact Report/Draft Environmental Impact Statement for the proposed Valley-Rainbow Project. This proceeding is closed.

(Comr Duque - ALJ Cooke)

(Agenda 3101, Item 1 11/21/2002 (Staff))

**Outcome   Held (12/17/02. For alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-11a  
1274                    ALTERNATE TO ITEM 1272**

The alternate decision finds that there is a reliability need in the SDG&E territory in the five year horizon. It keeps the proceeding open to consider whether to grant a transmission CPCN and to explore other alternatives to the proposed project developed in the Draft Environmental Impact Report/Draft Environmental Impact Statement.

(Comr Duque)

(Agenda 3101, Item 1a 11/21/2002 (Staff))

**Outcome   Held (12/17/02. For alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-12  
1308****A02-06-021 - San Diego Gas & Electric Company (Applicant).**

This decision grants the applicant three years (2003-05) of authority to issue short-term obligations in an aggregate principal amount up to \$100 million, above and beyond the short-term authority authorized by PUC Code 823(c). SDG&E may supplement its application to justify an additional \$100 million in requested short-term debt authority. SDG&E is prohibited from using the granted authority for funding inter-corporate borrowings. This proceeding is closed, pending a further filing from SDG&E within 90 days.

(Exam Clanon)

(Agenda 3099, Item 8 11/7/2002 (Staff))

**Outcome Held (12/17/02. Preparation of alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Orders**

- 1**  
**1313**      **A02-07-001 - Southern California Gas Company (SoCal).**  
A02-07-002, A02-07-003, A02-07-004 - Related matters. This decision establishes program year (PY) 2003 budgets for the Low Income Energy Efficiency programs of Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company and SoCal that are commensurate to PY 2002 funding levels during rapid deployment.  
(Comr Wood - ALJ Gottstein)  
**Outcome Signed**  
[D02-12-019](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
- 2 (Rev.)**  
**1400**      **A02-01-026 - Pacific Gas and Electric Company (PG&E).**  
This decision approves the application of PG&E to sell its streetlight system located within the City of Manteca to the City. This proceeding is closed.  
(Comr Lynch - ALJ Patrick)  
12/03/2002 - This item appeared as (CA-25) on the agenda distributed to the public.  
**Outcome Signed (Comr. Wood will file a concurrence.)**  
[D02-12-020](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)
- 3 (Rev.)**  
**1401**      **A02-10-017 - Pacific Gas and Electric Company (PG&E).**  
This decision grants the unopposed application of PG&E for Commission authorization under Public Utilities Code Section 851 to grant a non-exclusive easement to the Transmission Agency of Northern California (TANC). The easement will enable TANC to maintain and use an existing road to access its transmission tower (Tower 428) in order to perform emergency and/or routine maintenance. This proceeding is closed.  
(Comr Brown - ALJ Cooke)  
12/03/2002 - This item appeared as (CA-26) on the agenda distributed to the public.  
**Outcome Signed (Comr. Wood will file a concurrence.)**  
[D02-12-021](#)  
Yes: (Brown, Duque, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (Lynch)

**5 (Rev.)  
1409**

**A01-01-038 - Pacific Gas and Electric Company (PG&E) and City of Santa Rosa.**

For an order under Section 851 of the Public Utilities Code to sell and convey streetlight facilities. PG&E petitions the Commission to modify D01-06-005 to extend the effective period for sale of streetlight facilities to the City of Santa Rosa for an additional year. The petition is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

12/03/2002 - This item appeared as (CA-32) on the agenda distributed to the public.

**Outcome Signed (Comr. Wood will file a concurrence.)**

[D02-12-022](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**7 (Rev.)  
932**

**A02-05-023 - Southern California Edison Company (SCE).**

This decision grants SCE authority under Pub. Util. Code § 851 to enter into three master agreements and associated standard agreements and three stand-alone agreements that will lease excess space at communication facility sites and antenna equipment locations to Nextel of California, Inc. (Nextel). Nextel will use the space to expand its wireless communications network. In D00-07-010, the Commission previously granted similar authority to SCE to lease these types of space to Pacific Bell Mobile Services. The application is unopposed and is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

(Agenda 3092, Item CA-40 8/8/2002 (Wood); Agenda 3094, Item CA-5 9/5/2002

(Wood); Agenda 3099, Item CA-7 11/7/2002 (Lynch))

12/03/2002 - This item appeared as (CA-3) on the agenda distributed to the public.

**Outcome Signed (Comr. Wood will file a dissent.)**

[D02-12-023](#)

Yes: (Brown, Duque, Peevey)

No: (Wood)

Abstain: (none)

Absent: (Lynch)

**8 (Rev.)  
939**

**A02-04-049 - Southern California Edison Company (SCE).**

This decision grants SCE authority under Pub. Util. Code § 851 to enter into four master agreements and associated standard agreements that will lease excess space at communication facility sites and antenna equipment locations to Sprint PCS Assets L.L.C. (Sprint PCS). Sprint PCS will use the space to expand its wireless communications network. In D00-07-010, the Commission previously granted similar authority to SCE to lease this type of space to Pacific Bell Mobile Services. The application is unopposed and is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

(Agenda 3092, Item CA-42 8/8/2002 (Wood); Agenda 3094, Item CA-6 9/5/2002

(Wood); Agenda 3099, Item CA-8 11/7/2002 (Lynch))

12/03/2002 - This item appeared as (CA-4) on the agenda distributed to the public.

**Outcome Signed (Comr. Wood will file a dissent.)**

[D02-12-024](#)

Yes: (Brown, Duque, Peevey)

No: (Wood)

Abstain: (none)

Absent: (Lynch)

**9 (Rev.)  
1050**

**A01-11-043 - Southern California Edison Company (SCE).**

This decision grants SCE authority under Pub. Util. Code § 851 to enter into two master agreements and associated standard agreements to lease excess space at communications facilities and antenna equipment locations to AT&T Wireless Services of California, LLC and affiliated companies (AT&T Wireless). The leased space would be used by AT&T Wireless to expand its wireless communications network. This proceeding is closed.

(Comr Brown - ALJ Walker)

(Agenda 3095, Item CA-11 9/19/2002 (Wood); Agenda 3099, Item CA-4 11/7/2002 (Lynch))

12/03/2002 - This item appeared as (CA-5) on the agenda distributed to the public.

**Outcome Signed (Comr. Wood will file a dissent.)**

[D02-12-025](#)

Yes: (Brown, Duque, Peevey)

No: (Wood)

Abstain: (none)

Absent: (Lynch)

**10 (Rev.)      A02-10-005 - Pacific Gas and Electric Company (PG&E).****1397**

This decision authorizes PG&E, pursuant to Public Utilities Code § 851, to consent to two crossings of its exclusive easement by High Winds, LLC, for a wind-generating project in southeastern Solano County. This proceeding is closed.

(Comr Brown - ALJ Prestidge)

12/03/2002 - This item appeared as (CA-23) on the agenda distributed to the public.

**Outcome   Signed (Comr. Wood will file a concurrence.)**

[D02-12-026](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

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**Utilities Resolutions and Written Reports****Energy Matters****E-1                    Res E-3788 - San Diego Gas & Electric (SDG&E).****1065**

This resolution denies SDG&E Advice Letter 1407-E/1313-G without prejudice. SDG&E's request should be filed as an application to allow the collection of additional information, grant parties an opportunity to be heard, enable the Commission to rely upon a more fully developed record, and yield notice to customers affected by the proposed rate change.

(Advice Letter 1407-E/1313-G filed May 14, 2002)

(Agenda 3096, Item E-1 10/3/2002 (Brown); Agenda 3099, Item E-2 11/7/2002 (Brown))

**Outcome   Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-1a                    ALTERNATE TO ITEM 1065****1294**

This alternate resolution approves San Diego Gas & Electric Company's request to increase the electric and gas franchise fee surcharges to the ratepayers in the City of San Diego to collect additional revenues to cover increased franchise fees payable to the City of San Diego.

(Agenda 3099, Item E-2a 11/7/2002 (Brown))

**Outcome   Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-2                    Res G-3339 - Pacific Gas & Electric Company (PG&E).****1152**

PG&E seeks to recover in core rates the costs related to the utility's subscription to El Paso Natural Gas Company pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held by PG&E on Transwestern Pipeline. (Advice Letter (AL) 2401-G filed July 31, 2002, and AL 2405-G filed August 29, 2002.)

(Agenda 3098, Item E-4 10/24/2002 (Duque); Agenda 3099, Item E-4 11/7/2002 (Lynch); Agenda 3101, Item E-1 11/21/2002 (Duque))

**Outcome   Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-2a  
1260****ALTERNATE TO ITEM 1152**

Pacific Gas and Electric Company (PG&E) seeks to recover in rates assessed core customers costs related to the subscription of turned back El Paso Natural Gas Company (El Paso) pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held on Transwestern Pipeline Company (Transwestern). PG&E is authorized to collect El Paso pipeline charges from all gas ratepayers, on an equal-cents-per-therm basis, pending the outcome of Phase II in Rulemaking R02-06-041. PG&E must continue to collect only the currently authorized portion of Transwestern costs.

(Comr Duque)

(Agenda 3098, Item E-4a 10/24/2002 (Duque); Agenda 3099, Item E-4a 11/7/2002 (Lynch); Agenda 3101, Item E-1a 11/21/2002 (Duque))

**Outcome Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-3  
1278****Res E-3792 - Southern California Gas Company, Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E).**

Edison, PG&E, and SDG&E are directed pursuant to Public Utilities Code Section 399.8 to collect monies from customers to fund investments in energy efficiency, renewable energy, and research, development and demonstration projects as specified herein.

(Exam Clanon)

(Agenda 3101, Item E-3 11/21/2002 (Lynch))

**Outcome Held (12/17/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-4  
1348****Res G-3334 - Southern California Gas Company (SoCalGas).**

SoCalGas proposes an implementation schedule, tariffs, and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution denies the advice letters without prejudice, and orders SoCalGas to file an application to implement the GIR Decision. (Advice Letter (AL) 3100-A filed January 28, 2002; AL 3105 filed January 2, 2002; AL 3109-A filed February 13, 2002; AL 3112 filed January 30, 2002; AL 3117 filed February 2, 2002; AL 3123-A filed March 19, 2002; AL 3146 filed May 1, 2002; AL 3147 filed May 2, 2002; and AL 3174 filed July 23, 2002.)

**Outcome Held (12/17/02. Potential alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)



**E-4b  
1345****ALTERNATE TO ITEM 1348**

SoCalGas requests an implementation schedule, tariffs and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution establishes a schedule for implementation of that decision, orders workshops to resolve issues in the unbundling of intrastate transmission and storage, and orders SoCalGas to file supplemental advice letters on transmission and storage upon completion of the workshops. (Advice Letter (AL) 3109-A filed February 13, 2002, AL 3117 filed February 2, 2002, AL 3123-A filed March 19, 2002, AL 3146 filed May 1, 2002 and AL 3147 filed May 2, 2002.)

(Comr Brown)

**Outcome Held (12/17/02. Potential alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-5  
1356****Res E-3795 - Southern California Edison Company (Edison).**

This resolution approves Edison's request to amend its qualified and non-qualified Nuclear Decommissioning Trust Agreements to reflect the appointment of Mellon Bank, N.A. as the Trustee and to revise the Trustee Fee Schedule. (Advice Letter 1648-E filed September 6, 2002).

(Agenda 3101, Item E-5 11/21/2002 (Staff))

**Outcome Held (12/17/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-6  
1439****Res E-3802 - Southern California Edison Company (SCE).**

This resolution addresses SCE's Advice Letter (AL) 1660-E submitted in compliance with Ordering Paragraphs 3 and 4 of D02-08-071 for reasonableness review of the utility's transitional procurement procedures and contracts not exceeding five years in term. (AL 1660-E, filed November 5, 2002.)

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**E-7  
1440****Res E-3803 - San Diego Gas & Electric Company (SDG&E).**

This resolution addresses SDG&E's Advice Letter (AL) 1445-E submitted in compliance with Ordering Paragraphs 3 and 4 of D02-08-071 for reasonableness review of the utility's transitional procurement procedures and contracts not exceeding five years in term. (AL 1445-E, filed November 4, 2002.)

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

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**Telecommunications Matters****C-1                    Res T-16687 - Verizon California Inc. (Verizon).**

**1191**                    This resolution rejects Verizon's request to offer three packages that consist of 1 FR plus a bundle of custom calling and CLASS features because its proposals do not comply with the bundling requirements set forth in Commission decisions. (Advice Letter (AL) 9952 filed on December 21, 2001, AL 9952-A filed January 14, 2002 and AL 9952-B filed June 20, 2002, respectively.)  
(Agenda 3099, Item C-1 11/7/2002 (Peevey))

**Outcome   Held (12/17/02. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-1a                    ALTERNATE TO ITEM 1191**

**1455**                    The alternate Resolution approves Verizon's Advice Letter on bundling local service with vertical features and calling discounts. The Resolution requires three changes: (1) that the service not be offered until Verizon has received approval on its already filed Advice Letter on unlimited ZUM price floors, (2) that the service not be offered until Verizon has filed and received approval on a service offering 300 minutes of intraLATA toll, and (3) offer the service to ULTS customers with a discount equal to the current subsidy to ULTS customers—approximately \$12.

(Comr Peevey)

**Outcome   Held (12/17/02. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-2                    Res T-16703 - Deaf and Disabled Telecommunications Equipment and Service Programs (DDTP).**

**1336**

This resolution adopts a transition plan for the DDTP pursuant to the provisions of Public Utilities Code Sections 270.1, 278, 278.5, 2881, et seq. The transition plan addresses the issues of program advisory boards, provision of contractual services, Commission oversight staff, and transition from external agent to contractor.

**Outcome   Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-2a  
1456****ALTERNATE TO ITEM 1336**

This alternate resolution adopts the recommendations of the Telecommunications Division with the following modifications and additions:

A single IFB will be issued for one master contract with a qualifying entity that will be authorized to assume, amend, and enter into subcontracts with vendors for services and equipment.

To maintain and ensure direct communications between the administration of DDTP, the advisory committees, and the contractor, the selected contractor should be represented at all levels of advisory committee meetings. Any reports contractor(s) will submit to the Commission should be shared with advisory committees. Similarly, any reports issued to the Commission by advisory committees should be simultaneously shared with the principal contractor.

(Comr Duque)

**Outcome Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-3  
1337****Res T-16685**

This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-B Administrative Committee Fund adopted in Resolution T-16554.

**Outcome Held (12/17/02. Additional review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-4  
1338****Res T-16701**

This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-A Administrative Committee Fund adopted in Resolution T-16550.

**Outcome Held (12/17/02. Additional review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-5  
1339****Res T-16688**

This resolution revises fiscal year 2002-2003 budget and surcharge rate for the Universal Lifeline Telephone Service Program adopted in Resolution T-16561.

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**C-6  
1340****Res T-16686**

This resolution revises the surcharge rate for the California Teleconnect Program (CTF) from 0.30% to 0.0%, effective January 1, 2003. This resolution also adopts the revised Fiscal Year 02-03 budget for CTF.

**Outcome Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Lynch)

**Legal Division Matters*****Resolutions and Memorandums*****L-1  
1349****Res L-302**

This resolution denies the appeals of Duke Energy Corporation and Mirant Americas Energy Marketing, LP, Mirant Delta, LLC and Mirant Potrero, LLC from the previous denial by Commission staff of Public Records Act requests.

**Outcome Approved (Comr. Duque will file a dissent.)**

Yes: (Brown, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (Lynch)

**Commissioner's Reports**

**CR-1**            **Commissioners' Reports.**  
**1117**            Miscellaneous Commissioners' reports.  
                 **Outcome Information Only**  
                 Yes: (none)  
                 No: (none)  
                 Abstain: (none)  
                 Absent: (none)

**CR-2**            **President Lynch Report**  
**1309**            Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor. (Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002 (Staff))  
                 **Outcome Held (12/17/02)**  
                 Yes: (none)  
                 No: (none)  
                 Abstain: (none)  
                 Absent: (none)

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## Management Reports and Resolutions

**M-1**            **Management Reports.**  
**1216**            Miscellaneous Management Reports.  
                 **Outcome   Withdrawn (No report.)**  
                 Yes: (none)  
                 No: (none)  
                 Abstain: (none)  
                 Absent: (none)



## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal Items

#### Orders Held Over

#### HEX-1 1144

#### **C88-03-016 - Conference with Legal Counsel - Application for Rehearing.**

Order disposing of application for rehearing of D01-06-034 filed by Napa Valley Wine Train, Inc. (Wine Train). D01-06-034 grants, in part, the City of St. Helena's petition for modification of prior decisions concerning the Wine Train. D01-06-034 concludes that the Wine Train's passenger excursion service does not constitute regulated transportation and that, in providing such service, the Wine Train is not functioning as a public utility.

(Agenda 3098, Item EX-5 10/24/2002 (Peevey); Agenda 3099, Item HEX-3 11/7/2002 (Lynch); Agenda 3101, Item HEX-1 11/21/2002 (Duque))

#### **Outcome Held (12/17/02. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Orders****EX-5                    R95-04-043 - Conference with Legal Counsel - Application for Rehearing.****1396**

I95-04-044 - Related matters. Disposition of application of Pacific Bell Telephone Company for rehearing of D02-02-025: D02-02-025, denied in part and granted in part a petition filed by Metro One Telecommunications, Inc. and InfoXXX, Inc. for modification of D98-01-022. First, the Commission declined to set immediately the rate to be charged for access to listings for Directory Assistance, but determined that it should be based on the cost of providing such access. Next, the Commission ordered Pacific Bell Telephone Company (Pacific) and Verizon California, Inc. (Verizon) no longer be authorized to charge independent providers of Directory Assistance each time they provide a listing to the public. Relatedly, it determined that, once their costs of providing access to listings for Directory Assistance are computed, Pacific and Verizon will be required to refund to independent providers the difference between the new rates and the rates they were charged since the effective date of the Telecommunication Act of 1996. In addition, the Commission clarified that access supplied independent providers to listings for Directory Assistance should be considered partially competitive, making it a service properly classified as Category II, and thus subject to flexible pricing only within established limits.

**Outcome   Held (12/17/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**EX-6                    R02-01-011- Conference with Legal Counsel - Application for Rehearing.****1462**

Disposition of Applications for Rehearing of D02-11-022, filed by Federal Executive Agencies; SBC Services, Inc., The Irvine Company, University of California, the California State University, and Applied Materials, Inc.; 7-Eleven, Inc. and El Torito Restaurants, Inc.; The Utility Reform Network; Strategic Energy, L.L.C.; Los Angeles Unified School District, City of Corona, Del Taco, Inc., Lowe's Home Improvement Warehouse; and California Manufacturers & Technology Association. In D02-11-022, the Commission established mechanisms to implement Direct Access (DA) cost responsibility surcharges applicable to DA customers within the service territories of California's three major electric utilities, using a cut-off date of February 1, 2001, as set forth in Assembly Bill No. 117. The adopted surcharges recover from DA customers their share as determined in D02-11-022 of DWR costs and non-DWR costs, and were adopted with the objective to prevent such costs from being unlawfully and unfairly shifted to "bundled" utility customers. The Decision also adopts an interim 2.7 cent per kilowatt-hour "cap" on the cost responsibility to be paid by DA customers. D02-11-022 ordered further proceeding regarding the interim "cap," which is subject to adjustment.

**Outcome   Signed (Comr. Wood will file a dissent.)**

D02-12-027

Yes: (Brown, Duque, Peevey)

No: (Wood)

Abstain: (none)

Absent: (Lynch)